

W.P.(MD).No.20886 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON : 10.08.2026
PRONOUNCED ON : 19.08.2026

CORAM

THE HONOURABLE MR.JUSTICE N.DILIP KUMAR

W.P.(MD).No.20886 of 2017

K.Perumalsamy (died)

Vijayakumari
(the petitioner is substituted vide order
dated 08.08.2025)

.. Petitioner

Vs.

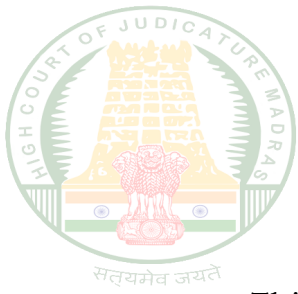
1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bypass Road,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in Parvai:LD3BT/8157 dated 5.5.2017 in imposing the punishment of increment cut for four years with cumulative effect and quash the same and consequently direct the Respondents to restore increment for 4 years with all cumulative attendant benefits.

For Petitioner : Mr.K.Guhan
For Respondents : Mr.J.Senthil Kumaraiah
standing counsel



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ORDER

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This writ petition has been filed by one K.Perumalsamy against the Managing Director of Tamil Nadu State Transport Corporation (Madurai) Limited, Madurai, as well as against the General Manager of Tamil Nadu State Transport Corporation (Madurai) Limited, Dindigul Region, Dindigul.

2.The writ petitioner had sought for the issuance of a Writ of Certiorarified Mandamus seeking to quash the order of the first respondent dated 05.05.2017 and for a consequential Mandamus to restore the benefits that were denied under the order impugned. Pending writ petition, Mr.K.Perumalsamy died on 16.11.2020 and his widow has been brought on record.

3.I have heard Mr.K.Guhan, learned counsel appearing for the writ petitioner and Mr.J.Senthil Kumaraiah, learned standing counsel appearing for the respondents. I have perused the materials available on record. The written submissions filed on either side are also perused.

4.It is seen from the records that the writ petitioner, viz., Mr.K.Perumalsamy was working as a Driver in the respondent Corporation viz., Tamil Nadu State Transport Corporation (Madurai) Limited. There was a road accident on 31.08.2012 around 21.00 hours involving the bus bearing Reg.No.TN 57 N 1923 belonging to the respondent Corporation and driven by

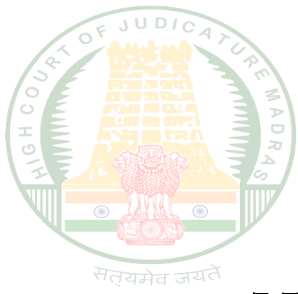


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its Driver, viz., Mr.K.Perumalsamy (original writ petitioner) and a two wheeler bearing Reg.No.TN 57 Q 5197. In such road accident, the pillion rider of the two wheeler, Tmt.Shanthamani died. This led to three different proceedings across different fora.

5.A criminal case in Crime No.22 of 2012 on the file of the Ambilikai Police Station was registered against the original writ petitioner, viz., Mr.K.Perumalsamy for the offences under Sections 279, 337 and 304(A) of I.P.C. Mr.K.Perumalsamy was charge sheeted by the prosecution and was tried in CC.No.56 of 2013 before the Court of the learned Judicial Magistrate, Ottanchathiram. After trial, on merits, the said CC.No.56 of 2013 ended in acquittal in favour of Mr.K.Perumalsamy. The learned trial Judge held that the prosecution had failed to prove its case beyond reasonable doubt.

6.Arising out of the same accident, the family members of the deceased filed MCOP.No.1173 of 2012 before the Motor Accident Claims Tribunal, Dindigul (*herein after referred to as MACT*). The written submission filed on the side of the respondents informs that the Tribunal had allowed the claim petition on 30.06.2015 and held that the respondent Corporation, viz., Tamil Nadu State Transport Corporation (Madurai) Limited, is liable to pay a compensation of Rs.3,51,000/- with interest at 7.5% and accordingly, the respondents had deposited a sum of Rs.8,20,000/-.



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7.The respondent Corporation also instituted the disciplinary proceedings against the original writ petitioner, Mr.K.Perumalsamy, which is the subject matter of the present writ petition. The original writ petitioner, Mr.K.Perumalsamy, was suspended on 01.09.2012; issued with a charge memo on 09.09.2012; upon conclusion of domestic enquiry, an enquiry report was made ready on 24.03.2013; and after issuing a second show cause notice dated 22.05.2013, the original writ petitioner, Mr.K.Perumalsamy, was imposed with a punishment of stoppage of annual increment for a period of five years with cumulative effect by the second respondent on 04.12.2013.

8.The said punishment order passed by the second respondent/Transport Corporation is available in the paper book. It reads that the respondents were not finding any reasons to take a different view from that of the Enquiry Officer and considering the past service of the original writ petitioner, Mr.K.Perumalsamy and to grant him one more opportunity, taking a lenient view, he is imposed with such punishment of stoppage of annual increment for a period of five years with cumulative effect.

9.Challenging this order, the original writ petitioner, Mr.K.Perumalsamy, came before this Court with a writ petition in W.P.(MD)

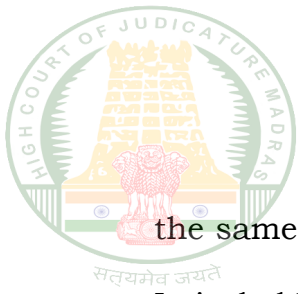


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No.2355 of 2016. In the meanwhile, he had filed an appeal before the first respondent on 23.01.2014. Therefore, when the writ petition was taken up for final hearing on 05.12.2016, he confined his request for a limited relief to direct the first respondent to dispose of the appeal filed by the writ petitioner on 23.01.2014. This Court, vide order dated 05.12.2016, accepted the said request and directed the first respondent to pass orders on the pending appeal within a period of one week.

10.Subsequent to the passing of the above order, the first respondent passed an order on 23.03.2017 in the pending appeal. The first respondent after referring to the operative portion of the order passed by this Court in W.P.(MD) No.23551 of 2016 (*stated supra*), held that the past conduct of the original writ petitioner is not inspiring and referred to the civil liability imposed on the second respondent, viz., Tamil Nadu State Transport Corporation (Madurai) Limited, Dindigul Region, Dindigul, by MACT to deposit a sum of Rs.3,51,000/- with interest at 7.5%. The Appellate Authority however modified the punishment and reduced it to stoppage of annual increment for a period of four years instead of five years. Granting such limited reduction of the number of years for stoppage of increment, the appeal was otherwise dismissed.

11.Thereafter, the original writ petitioner, Mr.K.Perumalsamy, seems to have made one another representation/appeal to the first respondent and



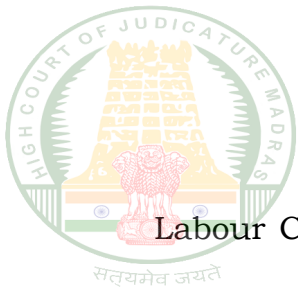
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the same has been disposed of under the impugned order dated 05.05.2017.

It is held in the impugned order that the original writ petitioner has not made out any new grounds warranting any change of mind or for reduction of punishment and accordingly, such request of the writ petitioner, Mr.K.Perumalsamy, was rejected. The writ petitioner while filing this writ petition on 10.11.2017, sought to place reliance upon the judgment of the Hon'ble Division Bench of this Court in the case of **Tamil Nadu State Transport Corporation, Tiruchirappalli, rep. by its Managing Director and another Vs. P.Karuppusamy**, reported in **2008-I-LLJ-460 (Mad)**.

12.The learned counsel for the writ petitioner made a specific reference to the counter statement filed on behalf of the respondent Management before the MACT, Dindigul. He would therefore argue that the respondent Management could not have punished the writ petitioner, as even according to the respondent Management, the writ petitioner was not responsible for the accident. He would argue that having taken such a stand in their counter to the claim petition, the respondents could not have found the writ petitioner, Mr.K.Perumalsamy guilty for the act of negligent driving and thereby, causing loss to the respondent Management.

13.In the counter affidavit filed in this writ petition on 16.04.2018 by the respondent Management the maintainability of the writ petition is objected to, on the ground of availability of an alternative remedy before the



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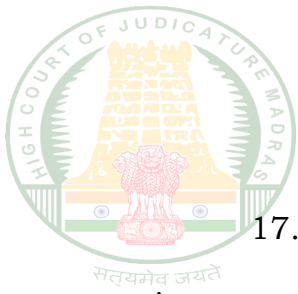
Labour Court. The counter affidavit does not traverse into the merits of the matter.

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14.This writ petition has remained pending before this Court for almost 9 years. When the matter was taken up for final hearing on 10.08.2026, both the learned counsel fairly submitted that the facts in issue are not in dispute; what is challenged is the order of punishment in effect, though there is no specific mention to the previous proceeding of the second respondent dated 04.12.2013 and the proceeding of the first respondent dated 23.03.2017.

15.The only issue that arises for consideration is whether the respondent Corporation is bound by its pleadings before the MACT, Dindigul, wherein they have specifically held that the writ petitioner/their Driver was not responsible for the accident and can they take a different view in the disciplinary proceedings.

16.The learned Standing Counsel for the respondent Corporation raised an objection to entertain the writ petition on the premise that the writ petition is not entertainable, as there is an effective alternative appellate remedy available to the writ petitioner before the Labour Court.

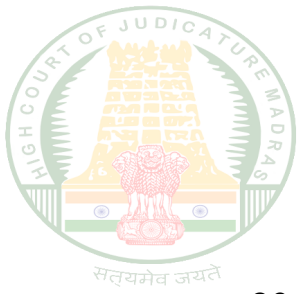


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17.The respective counsel referred to various precedents of this Court in support of their contentions. I will refer to them in the later part of this order.

18.Before I proceed to consider the submissions on the merits of the matter, I would take up the objection of the respondent Management that the writ petition is not entertainable under Article 226 of the Constitution of India, as there is an alternative appellate remedy available to the writ petitioner.

19.It has been long settled in a catena of decisions that the restriction of a Writ Court to entertain a writ petition under Article 226 of the Constitution of India, whenever there is an effective alternative appellate remedy, is only a self imposed restriction and there is no absolute bar and there are established exceptions available to the said Rule. Some of the exceptions are, when there is a violation of principles of natural justice; when the impugned proceeding is absolutely lacking in jurisdiction; when there is a non speaking order lacking in reasons; when fundamental rights are violated; and when the writ petition is kept pending before the Court for a substantial time, more so when it does not involve disputed questions of facts.



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20. In this case, the original writ petitioner, Mr.K.Perumalsamy, having filed the case on 10.11.2017 died on 16.11.2020; and thereafter, upon filing of a substitution application in W.M.P.(MD) No.16948 of 2025, Tmt.Vijayakumari, W/o.Mr.K.Perumalsamy, has been brought on record. It would be too harsh on the widow to be now compelled after 9 years to go before the alternative forum ie., Labour Court and raise an industrial dispute against the punishment imposed way back in 2013.

21. The Hon'ble Supreme Court in the judgment delivered in ***Durga Enterprises Private Limited and another Vs. Principal Secretary Government of U.P. and others*** reported in ***(2004) 13 Supreme Court Cases 665*** has held that the High Court having entertained the writ petition and kept it pending for a long period of 13 years ought not to have dismissed the writ petition summarily on the ground that there is an alternative appellate remedy available and it is only proper on the part of the High Court to decide the case on merits instead of relegating the parties to the alternative forum.

22. The aforesaid judgment is recently followed by the Hon'ble Apex Court in the case of ***Utkal Highways Engineers and Contractors Vs. Chief General Manager and others*** reported in ***2025 SCC Online SC 1400***. In the said case, the Hon'ble Supreme Court has held that it is not



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proper to throw a person on the ground of availability of alternative remedy after 10 years. Relevant portion of the same reads as under:-

“8.Be that as it may, the High Court has not dealt with the merits of the writ petition. Moreover, it is not an inviolable rule that no money claim can be adjudicated upon in exercise of writ jurisdiction. Non-payment of admitted dues, inter alia, may be considered an arbitrary action on the part of respondents and for claiming the same, a writ petition may lie. Further, throwing a writ petition on ground of availability of alternative remedy after 10 years, particularly, when parties have exchanged their affidavits, is not the correct course unless there are disputed questions of fact which by their very nature cannot be adjudicated upon without recording formal evidence”

23.Furthermore, in this case, there are no disputed question of facts. The issue revolves around a legal precinct. I therefore negative the objections raised by the learned standing counsel for the respondents upon the entertainability of this writ petition.

24.The learned counsel for the respondent Management has referred to the Full Bench decision of this Court delivered in the case of **V.Syriil Sundararaj Vs. The Presiding Officer, Labour Court, Thirunelveli and others** reported in **2024-2-CTC-465 = 2024-3-MLJ-22 = 2024-1-Wr.L.R.-580**.

25.In the said decision, a reference against the correctness of the order relied upon by the writ petitioner at the time of filing of the writ petition, i.e., **Tamil Nadu State Transport Corporation, Tiruchirappalli, rep. by its**



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Managing Director and another Vs. P.Karuppusamy, reported in **2008-I-**

LLJ-460 (Mad) is doubted. The Hon'ble Full Bench in the said decision has held that the State Transport Corporation is not barred by the principle of estoppel in initiating disciplinary proceedings against its employee/Driver, because they have filed a counter statement in his favour before the MACT.

The Hon'ble Full Bench has held as follows:-

“15.In a MACT proceedings, where the Government or TNSTC is a respondent, the driver is not made as a party. The parties to such proceedings are the injured or representatives of the deceased and the Transport Corporation. It is possible that the driver might be called as a witness. By the very nature of proceedings, a MACT only decides the issue of fastening of liability. In such a proceeding, the State Transport Corporation being a corporate body, cannot be aware as to the nature and the manner of the accident. It is here, the submission made by Mr.L.S.M.Hasan Fizal becomes relevant. The stand taken by the Management is based on the statement that was given by the driver as to what transpired at the time of the accident. In other words, there is no representation by the Management to the workman, but the state of affairs stated by the workman is captured in the counter and filed as a defence in the MACT proceedings. This shows that there is no representation from the side of the Management to the workmen. In fact, if there has been a representation by one person, it is the representation of the driver to the Management and not vice versa. Without a representation from the Management, which is sine qua non, for applying the rule of estoppel, the said principle cannot be made applicable here.

.....

.....

30. During the course of enquiry or before the Labour Court, it is always open to the driver to confront the witness, that may be presented by the Management, with the counter affidavit and when the witness is so confronted, it is always open to the said witness to explain the so called admission. That does not preclude the Management from initiating proceedings as against the labourer under its Standing Orders. The relationship between an employer and employee depends upon the standing orders and therefore, to read the judgement of Karuppusamy's case is a bar to initiate



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disciplinary proceedings, is to read a bit too much into the same.

31. In the light of the above discussion we would answer the question as follows:

(i) That the Management having filed a counter in the MACT proceedings defending its driver, it does not preclude it from initiating disciplinary proceedings against the driver.

(ii) The position to the contra as laid down in *TNSTC vs. Karuppusamy* stands over ruled.”

26.The learned counsel for the respondent Management also referred to a recent judgment of the Division Bench of this Court delivered in the case of **M.Raja Vs. The Managing Director, TNSTC, Madurai and another, W.A.(MD) No.647 of 2021, dated 10.03.2026.**

27.The Hon'ble Division Bench followed the aforesaid Full Bench decision and refused to accept the proposition canvassed on the side of the workman that the decision of the Full Bench is diluted, because of the subsequent decision of the Hon'ble Apex Court in the case of **Maharashtra State Road Transport Corporation Vs. Mahadeo Krishna Naik** reported in **(2025) 4 Supreme Court Cases 321**. The Hon'ble Division Bench in the said case had distinguished the judgment of the Hon'ble Apex Court on facts.

28.*Per contra*, the learned counsel for the writ petitioner requested this Court to consider the judgment of the Hon'ble Apex Court delivered in **Maharashtra State Road Transport Corporation Vs. Mahadeo Krishna**

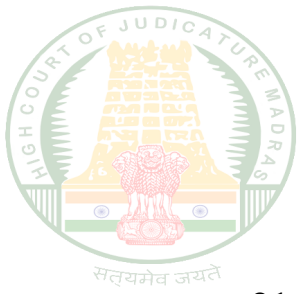


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Naik reported in **(2025) 4 Supreme Court Cases 321** and submitted that the case is squarely covered under the said judgment and he also sought to place reliance upon a judgment of the Hon'ble Division Bench of this Court delivered in the case of ***The Management of Tamil Nadu State Transport Corporation Vs. General Secretary, WA.No.209 of 2026, dated 23.02.2026.*** He also wanted to draw the attention of this Court to another judgment of the Madras High Court in the case of ***The Management of Tamil Nadu State Transport Corporation Vs. General Secretary, W.P. (MD) No.8924 of 2021, dated 12.06.2025.***

29.Thus, it is evident that the employee wants the Management to be bound by its pleadings filed before the MACT, Dindigul, whereas the respondent Management wants to wriggle out of the same by referring to the precedents cited in their support.

30.The Hon'ble Full Bench in the case of ***V.Syril Sundararaj Vs. The Presiding Officer, Labour Court, Thirunelveli and others*** reported in ***2024-2-CTC-465 = 2024-3-MLJ-22 = 2024-1-Wr.L.R.-580*** was considering the correctness of the judgment of the Hon'ble Division Bench in the case of ***Tamil Nadu State Transport Corporation and another Vs. S.Karuppusamy***, reported in ***(2008) 3 LW 90 = (2008) 1 LLJ 460.***



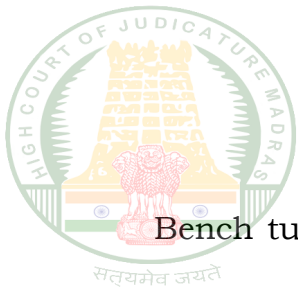
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31.The primary issue and the answer given by the Full Bench is that if the respondent Management had filed a counter in the MACT proceedings defending its Driver, the respondent Management need not be restrained from initiating disciplinary proceedings against the Driver, when upon conclusion the MACT overruled the defence of the management and held its driver responsible for the accident and accordingly it concluded that “no plea of estoppel” will lie against the Management.

32.The Full Bench was conscious in noticing that the Driver will always have an opportunity to confront the witness of the Management during the proceedings before the Labour Court with the counter affidavit filed by the Management before the MACT in his favour.

33.The Full Bench had also explained its reasonings by the observation of the facts recorded in paragraph No.15 (*extracted supra*), wherein it has been stated that the Management normally takes a stand before the MACT, based on the statement given by its Driver as to what transpired at the time of accident and therefore, when ultimately the Tribunal refuses to accept such stand of the Management and holds that the Management is responsible for the compensation payable due to the accident caused by its Driver, ***the Management can always have a change of mind*** and initiate disciplinary proceedings. This observation of the Full



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Bench turns our case in entirety, when the said judgment is applied to the facts of the present case.

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34.Before I proceed on this aspect, it is necessary to notice the facts in the judgment of the Hon'ble Division Bench delivered in the case of **M.Raja Vs. The Managing Director, TNSTC, Madurai and another, W.A.(MD) No. 647 of 2021, dated 10.03.2026.**

35.The Hon'ble Division Bench in the said case has rightly held that the standard of proof in a criminal proceeding, civil proceeding like the claim petition before the MACT and disciplinary proceeding are quite different and distinct. The Division Bench has held as follows:-

“The issue can be approached from another perspective also. Proceedings pertaining to an employee can take place in three ways. He could be departmentally dealt with. He could be prosecuted. He could be a respondent / defendant in civil proceedings. Let us take the case of a driver such as the appellant. If he is guilty of negligent driving, he can be hauled up by initiating disciplinary action. The affected parties may initiate claim proceedings before the Motor Accidents Claims Tribunal and along with the management, the driver concerned also will be a respondent. The driver can be prosecuted for reckless and negligent driving. Even though the driver can be subject matter of all the three proceedings, the standard of proof applicable to them will not be one and the same. The varying standards are: a) proof beyond reasonable doubt, b) proof on the basis of preponderance of probabilities and c) some evidence rule. It is well settled that in criminal cases, the standard of proof is “proof beyond reasonable doubt”. “Preponderance of probabilities” is the civil law standard. The former constitutes a higher threshold compared to the latter. Some evidence rule ranks below the rigour of preponderance of probabilities standard.

11.If the Claims Tribunal had come to the conclusion that the driver in question had been negligent and reckless, the driver has to

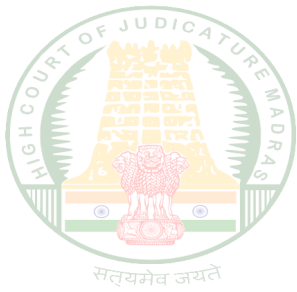


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necessarily get the said finding vacated by filing an appeal before the High Court. So long as the said finding is holding good, it is binding on the management. As already mentioned, the standard governing a civil proceeding is higher compared to a disciplinary action. If by applying a higher standard, a person is found guilty, disciplinary action has to follow as a consequence. This is notwithstanding the defence that might have been taken by the management before the Tribunal. The Hon'ble Full Bench in the aforesaid decision had explicitly held that the management is not precluded from initiating action against its employee even if it had taken a plea before the Tribunal that its employee is not at fault."

36.This conclusion of the Division Bench when applied to the facts of this case, turns it against the respondent Management.

37.In this case, the disciplinary proceedings were initiated by issuing a charge memo dated 09.09.2012 that culminated in the passing of an order of punishment against the Driver on 04.12.2013. The petition filed before the MACT is of the year 2012. However, a counter affidavit was filed on the side of the Management, finally before the Tribunal on 11.09.2014 after the same having been filed on 10.02.2014 and re-presented on 03.03.2014 and __.08.2014. Thus, in the present case, the Management had already found its Driver guilty for the charges levelled against him and it had already arrived at a finding that its Driver was reckless in driving the vehicle and causing the accident. That being the conclusion arrived at by the Management in 2013, there is no explanation provided by the respondents for taking a contradictory stand before the Tribunal, in its counter statement filed on 11.09.2014.



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38.The relevant portion of the counter affidavit filed by the Management, reads as under:-

“6.This Respondent submits that the Petitioners have deliberately suppressed the real manner in which the accident happened and invented an entirely different and concocted version so as to suit his claim of compensation. This Respondent submits that the accident had not happened due to any rash and negligent driving of the Respondent bus driver. On the other hand, the accident had happened only due to the negligent act of the motor-cyclist. So the Petitioner are put to strict proof of the same.

7.This Respondent submit that on 31.08.2012, this Respondent driver was driving the vehicle bearing Regn. No.TN57/N 1923 from Coimbatore to Madurai in a normal speed duly observing all the traffic rules and regulation. While the bus was proceeding near Ambikai bus-stop, one motor-cyclist along with pillion rider who were coming from the opposite direction in a rash and negligent manner without adopting not only the traffic rules but also the M.V. Act. The Respondent bus driver suddenly applied break and stopped the bus. But the motor-cyclist dashed in the front left side body of the bus in a rash and speedy manner. The accident had happened only due to the rash and negligent act of the motor cyclist. The bus-driver was not at all connected with this accident. As the driver of the bus is not responsible for this accident, this Respondent-Management is in no way liable to pay any compensation.”

39.Thus the counter statement of the respondent states that the accident did not happen due to any rash and negligent driving of its bus Driver and on the other hand, it happened only due to the negligent conduct of the rider of the two wheeler.

40.The respondents had proceeded to explain the manner of the accident in para No.7 and it is stated that the Driver of the bus had stopped



the bus by applying brake and still the rider of the two wheeler dashed on the left side body of the bus and had thus, caused the accident. This contradictory pleading by the Corporation is very serious and goes against the findings in the domestic enquiry leading to the punishment. In this regard, a reference is to be made to Section 169 of the Motor Vehicles Act, 1988 (Act 59/1988). The said provision reads as under:-

“169. Procedure and powers of Claims Tribunals. -

(1) In holding any inquiry under section 168, the Claims Tribunal may, subject to any rules that may be made in this behalf, follow such summary procedure as it thinks fit.

(2) The Claims Tribunal shall have all the powers of a Civil Court for the purpose of taking evidence on oath and of enforcing the attendance of witnesses and of compelling the discovery and production of documents and material objects and for such other purposes as may be prescribed; and the Claims Tribunal shall be deemed to be a Civil Court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

(3) Subject to any rules that may be made in this behalf, the Claims Tribunal may, for the purpose of adjudicating upon any claim for compensation, choose one or more persons possessing special knowledge of any matter relevant to the inquiry to assist it in holding the inquiry. [(4) For the purpose of enforcement of its award, the Claims Tribunal shall also have all the powers of a Civil Court in the execution of a decree under the Code of Civil Procedure, 1908, as if the award were a decree for the payment of money passed by such court in a civil suit.”

41. The respondent Management is conscious of the fact that they cannot make any false pleadings before the MACT in its counter statement. The necessity to say the truth before the Tribunal, which has all the adornings of a civil Court, could have compelled the respondents to come out with the truth. They are also conscious that any false statement before the



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Tribunal would have exposed them to adverse action including criminal proceeding. The sanctity of pleadings and the requirement to make correct statements before the Court of law is to be strictly emphasized. This Court as also the Hon'ble Apex Court has time and again come down heavily upon the parties, who were found guilty of suppression of material facts or found guilty of making false statements by invoking the doctrine of *suppressio veri, suggestio falsi*.

42.The Hon'ble Apex Court in the judgment delivered in the case of ***Vijay Syal and another Vs. State of Punjab and others*** reported in ***(2003) 9 Supreme Court Cases 401*** has held that it is very much necessary that the parties should not make false or knowingly inaccurate statements or misrepresentation and/or should not conceal material facts with a design to gain some advantage or benefit at the hands of the Court, more particularly when a Court is a place, where truth and justice are the solemn pursuits.

43.The Hon'ble Supreme Court had emphasized on the sanctity and solemnity of the proceedings in Courts of law. The relevant portion is succinctly captured in paragraph No.24, which reads as under:-

“24.In order to sustain and maintain sanctity and solemnity of the proceedings in law courts it is necessary that parties should not make false or knowingly, inaccurate statements or misrepresentation and/or should not conceal material facts with a design to gain some advantage or benefit at the hands of the court, when a court is considered as a place where truth and justice are the solemn pursuits. If any party attempts to pollute such a place by adopting



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recourse to make misrepresentation and is concealing material facts it does so at its risk and cost. Such party must be ready to take consequences that follow on account of its own making. At times lenient or liberal or generous treatment by courts in dealing with such matters are either mistaken or lightly taken instead of learning proper lesson. Hence there is a compelling need to take serious view in such matters to ensure expected purity and grace in the administration of justice.”

44.This requirement on the part of the Management to come out with the truth before the Tribunal can be the only reason that prompted them to defend their Driver before the Tribunal.

45.Now, the law laid down by the Full Bench in the case of **V.Sybil Sundararaj Vs. The Presiding Officer, Labour Court, Thirunelveli and others** reported in **2024-2-CTC-465 = 2024-3-MLJ-22 = 2024-1-Wr.L.R.-580** and the Division Bench in the case of **M.Raja Vs. The Managing Director, TNSTC, Madurai and another, W.A.(MD) No.647 of 2021, dated 10.03.2026**, if applied to the facts of the present case, would indicate that the Management has turned turtle upon their disciplinary proceedings. This Court cannot shut its eyes to the said pleadings/counter statements made by the respondent Management while considering the correctness of the disciplinary proceedings. Further, the Hon'ble Supreme Court in the case of **Maharashtra State Road Transport Corporation Vs. Mahadeo Krishna Naik** reported in **(2025) 4 Supreme Court Cases 321** has held as under:-



“.....However, the single judge held that the Corporation had admitted in a sworn pleading that the accident was not due to the negligence of Mahadeo. This newly produced material, which existed when the Labour Court made its award and the order dismissing the writ petition was made, could not be produced by Mahadeo, yet, it was of such a clinching nature that on the face of this material, no court could come to the conclusion that Mahadeo was rightly dismissed from service due to gross negligence on his part amounting to misconduct.

....

17.To our mind, the present controversy tasks us to address four issues. The first is whether, the Corporation is guilty of suggestio falsi by not disclosing what it had pleaded before the MACT and suppressio veri by suppressing the said award.....

.....

23.The Latin phrases suggestio falsi and suppressio veri embody concepts of unethical conduct of a party having serious consequences in various fields including law.

24.According to Black’s Law Dictionary³⁰, suggestio falsi is a false representation or a misleading suggestion while suppressio veri 11th Edition connotes suppression of the truth; an indirect lie, whether by words, conduct, or artifice. It is a type of fraud.

25.That the Corporation indulged in the misadventure of suggestio falsi and suppressio veri is incontrovertible.

.....

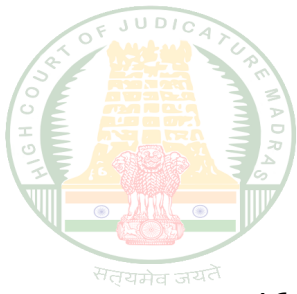
30.....However, the Corporation could not have at any rate resiled from what it pleaded in its own written statement before the MACT on a sworn affidavit and deliberately withhold the same.....

....

32.....The contradictory nature of the stances taken by the Corporation before the Labour Court and the MACT reeks of the Corporation trying to approbate and reprobate on the same issue. It is bound to cause immense prejudice to Mahadeo if the Corporation is allowed to reverse its stance to suit its own interests.....

.....

39.The written statement of the Corporation filed before the MACT and its award are documents of immense significance which were sufficient to tilt the balance in favour of Mahadeo..... ”



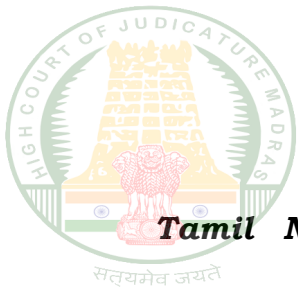
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46. In the present case, the Management had filed a counter statement in the MACTOP in complete contradiction to the findings arrived by it earlier in their disciplinary proceedings. The standard of proof laid down by the division Bench in the case of **M.Raja Vs. The Managing Director, TNSTC, Madurai and another, W.A.(MD) No.647 of 2021, dated 10.03.2026** was not the reason to file such a contradictory statement. Rather they have taken a completely divergent stand in support of the original writ petitioner.

47. Thus a conclusion has to be arrived from two possibilities i.e., either the respondent Corporation is guilty of *suppresso veri*, *suggestio falsi* or being conscious of its requirement to state the truth in its pleadings before the Court, it filed a statement, that its Driver is not responsible for the accident and the entire lapse is only on the part of the rider of the two wheeler. I would rather draw the second possibility that the respondent Corporation made a true and correct statement before the MACT in its counter statement that its Driver/original writ petitioner, namely, K.Perumalsamy, is not responsible for the accident, than to draw the other conclusion that the TNSTC, a state owned corporation made a false statement.

48. A useful reference can also be made to the judgment of the Hon'ble Division Bench of this Court in the case of **The Management of**



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Tamil Nadu State Transport Corporation Vs. General Secretary,

WA.No.209 of 2026, dated 23.02.2026. In the said case, it has been held

as follows:-

“8.It is an admitted fact that the Management has taken a defence that the workman was not at all negligent, and it was only due to the poor road condition, the accident has occurred.....

.....

12.In the above judgment, the Hon’ble Supreme Court has held that the Corporation cannot resile from their pleading submitted before the Motor Accident Claims Tribunal, while initiating disciplinary proceedings. It is further held that it would become an unfair practice, and in the industrial adjudication, apart from principles of natural justice, fairness in procedure is essential as a third limb of natural justice. Therefore, from the ratio of the Hon’ble Supreme Court, it is amply clear that if the Management has taken a particular stand before the Motor Accident Claims Tribunal, they are bound by the same and they cannot resile from the stand while taking disciplinary proceedings against workman.

13.Though, the Full Bench of this Court has answered that notwithstanding the stand of the Management before the Motor Accident Claims Tribunal still they can initiate the disciplinary proceedings, the same becomes no longer good law in view of the judgment of the Hon’ble Supreme Court in Mahadeo Krishna Naik’s case [cited supra]. In the instant case, the Management has taken a specific stand that their workman was not at all negligent and the accident had taken place only due to the poor road condition. Therefore, by virtue of the ratio of the Hon’ble Supreme Court in Mahadeo Krishna Naik’s case [cited supra], the very framing of charge regarding the rash and negligent driving against the workman is illegal. Therefore, we absolutely concur with the findings of the learned Single Judge and we do not find any merits in the present Writ Appeal.”

49.Viewed from any angle, it is apparent that the finding in the disciplinary proceeding is *per se* false and it has already been given up by the respondent Management by taking a conscious stand to support its



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Driver in its counter statement before the Tribunal. The subsequent conclusion arrived at by the Tribunal on the standard of proof of preponderance of probabilities cannot dilute the stand taken by the respondents in respect of the writ petitioner.

50. There is one another serious infirmity in the impugned order of punishment. Neither the punishment order dated 04.12.2013 nor the appeal order dated 23.03.2017 and the further appeal order dated 05.05.2017 contain reasons. All these three orders are non speaking. There is no reference to the explanations given by the delinquent employee and there is no discussion of the explanations. There is no recording of findings as to why those explanations offered by the employee were not acceptable. This Court is emphatic in its finding that the impugned order cannot be sustained for violating the essential requirement of Rule of law to record reasons.

51. In fine, this Court is of the considerate opinion that the impugned order warrants an interference and accordingly, the same is set aside. The Writ Petition stands allowed.

52. The respondent Management is directed to restore the benefits that were denied under the impugned punishment order by stopping the annual increment for a period of four years with cumulative effect against the original writ petitioner, Mr.K.Perumalsamy. The revised benefits along with



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accrued arrears shall be paid to the wife of the original writ petitioner, viz., Vijayakumari within a period of six weeks from the date of receipt of a copy of this order. No costs.

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

19.08.2026

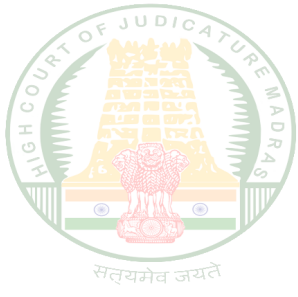
speaking/non-speaking

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To

1.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Bypass Road,
Madurai.

2.The General Manager,
Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Dindigul Region,
Dindigul.



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W.P.(MD).No.20886 of 2017

N.DILIP KUMAR ,J.

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**Pre-delivery Order made in
W.P.(MD).No.20886 of 2017**

19.08.2026